

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**MASS ENGINEERED DESIGN, INC.,**

Plaintiff,

v.

**PLANAR SYSTEMS, INC.,**

Defendant.

Case No. 3:16-cv-1510-SI

**SECOND REVISED VERDICT**

*When answering the following questions and filling out this Verdict, you must follow the directions provided throughout this form. Your answer to each question must be unanimous. Some of the questions contain legal terms and concepts that are defined and explained in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.*

**WE, THE JURY**, being first duly empaneled and sworn in the above-captioned case, unanimously find and render our Verdict as follows:

**FINDINGS ON INFRINGEMENT**

**QUESTION NO. 1:**

Do you find that Plaintiff, Mass Engineered Design, Inc., has proven by a preponderance of the evidence that any of the accused products of Defendant, Planar Systems, Inc., directly

infringed through literal infringement any of the following patent claims of the 978 patent?

Answer "Yes" (for a finding of infringement) or "No" (for a finding of no infringement) as to each asserted claim.

Claim 16: ☒ Yes ☐ No

*If yes, continue. If no, go directly to Question No. 2.*

Claim 18: ☒ Yes ☐ No

Claim 25: ☒ Yes ☐ No

Claim 27: ☒ Yes ☐ No

### **QUESTION NO. 2:**

Do you find that Plaintiff, Mass Engineered Design, Inc., has proven by a preponderance of the evidence that any of the accused products of Defendant, Planar Systems, Inc., directly infringed through literal infringement any of the following patent claims of the 331 patent? Answer "Yes" (for a finding of infringement) or "No" (for a finding of no infringement) as to each asserted claim.

Claim 1: ☒ Yes ☐ No

*If no, skip Claim 4 and go directly to Claim 10.*

Claim 4: ☒ Yes ☐ No

Claim 10: ☒ Yes ☐ No

### **QUESTION NO. 3:**

Do you find that Plaintiff, Mass Engineered Design, Inc., has proven by a preponderance of the evidence that any of the accused products of Defendant, Planar Systems, Inc., directly infringed through the doctrine of equivalents any of the following patent claims of the 331 patent? Answer "Yes" (for a finding of infringement) or "No" (for a finding of no infringement) as to each asserted claim.

Claim 1: ☒ Yes ☐ No

*If no, skip Claim 4 and go directly to Claim 10.*

Claim 4:   ✓   Yes        No

Claim 10:   ✓   Yes        No

**QUESTION NO. 4:**

Do you find that Plaintiff, Mass Engineered Technology, Inc., has proven by a preponderance of the evidence that Defendant, Planar Systems, Inc., with respect to any of its accused products, actively induced the infringement of any of the following patent claims of the 978 patent? Answer “Yes” (for a finding of induced infringement) or “No” (for a finding of no induced infringement) as to each asserted claim.

Claim 16:   ✓   Yes        No

*If yes, continue. If no, go directly to Question No. 5.*

Claim 18:   ✓   Yes        No

Claim 25:   ✓   Yes        No

Claim 27:   ✓   Yes        No

**QUESTION NO. 5:**

Do you find that Plaintiff, Mass Engineered Technology, Inc., has proven by a preponderance of the evidence that Defendant, Planar Systems, Inc., with respect to any of its accused products, actively induced the infringement of any of the following patent claims of the 331 patent? Answer “Yes” (for a finding of induced infringement) or “No” (for a finding of no induced infringement) as to each asserted claim.

Claim 1:   ✓   Yes        No

*If no, skip Claim 4 and go directly to Claim 10.*

Claim 4:   ✓   Yes        No

Claim 10:   ✓   Yes        No

**QUESTION NO. 6:**

Do you find that Plaintiff, Mass Engineered Technology, Inc., has proven by a preponderance of the evidence that Defendant, Planar Systems, Inc., with respect to any of its accused products, is liable as a contributory infringer for any of the following patent claims of the 978 patent? Answer “Yes” (for a finding of contributory infringement) or “No” (for a finding of no contributory infringement) as to each asserted claim.

Claim 16:       ✓   Yes                             No

*If yes, continue. If no, go directly to Question No. 7.*

Claim 18:       ✓   Yes                             No

Claim 25:       ✓   Yes                             No

Claim 27:       ✓   Yes                             No

**QUESTION NO. 7:**

Do you find that Plaintiff, Mass Engineered Technology, Inc., has proven by a preponderance of the evidence that Defendant, Planar Systems, Inc., with respect to any of its accused products, is liable as a contributory infringer for any of the following patent claims of the 331 patent? Answer “Yes” (for a finding of contributory infringement) or “No” (for a finding of no contributory infringement) as to each asserted claim.

Claim 1:         ✓   Yes                             No

*If no, skip Claim 4 and go directly to Claim 10.*

Claim 4:         ✓   Yes                             No

Claim 10:        ✓   Yes                             No

**FINDINGS ON AFFIRMATIVE DEFENSES****QUESTION NO. 8:**

Do you find that Defendant, Planar Systems, Inc., has proven by clear and convincing evidence that any asserted claim of the 978 patent is invalid because the claim would have been

obvious to a person of ordinary skill in the art at the time of the invention? In order to properly reach a conclusion on obviousness, the following preliminary questions must be answered:

a. What difference, if any, existed between the claimed invention and the prior art at the time of the claimed invention? Check only the answer that correctly identifies the difference, if any:

- ☒ The prior art disclosed display systems but it did not disclose display systems with support means, mounting means, and means for adjusting.
- ☐ There are no differences between the scope of the claimed invention and what existed in the prior art.

b. Which of the following factors that tend to indicate nonobviousness, if any, has been established by the evidence with respect to the claimed invention of the 978 Patent—check any that apply:

- ☒ Commercial success of products covered by the patent claims.
- ☒ A long-felt need for the solution that is provided by the patented invention.
- ☒ Copying of the patented invention by others in the field.
- ☒ Acceptance by others of the patented invention as shown by praise or from the licensing of the patented invention.

After considering your answers to the preliminary factual questions above, answer “Yes” (for a finding of obviousness) or “No” (for a finding of no obviousness) as to each asserted claim.

Claim 16:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Claim 18:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Claim 25:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Claim 27:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If you answered “Yes” with respect to any claim being obvious, then answer “Yes” or “No” for each of the following:

	Yes	No
Obvious in view of U.S. Patent No. 2,937,381 in combination with other prior art	<input type="checkbox"/>	<input checked="" type="checkbox"/>

or in combination with the knowledge of a person of ordinary skill in the art		✓
Obvious in view of U.S. Patent No. 5,190,258 in combination with other prior art or in combination with the knowledge of a person of ordinary skill in the art.		✓

**QUESTION NO. 9:**

Do you find that Defendant, Planar Systems, Inc., has proven by clear and convincing evidence that any asserted claim of the 331 patent is invalid because the claim would have been obvious to a person of ordinary skill in the art at the time of the invention? In order to properly reach a conclusion on obviousness, the following preliminary questions must be answered:

a. What difference, if any, existed between the claimed invention and the prior art at the time of the claimed invention? Check only the answer that correctly identifies the difference, if any:

- ☒ The prior art disclosed display systems with a support arm structure but did not disclose such display systems as described in the specification of the 331 patent.
- ☐ There are no differences between the scope of the claimed invention and what existed in the prior art.

b. Which of the following factors that tend to indicate nonobviousness, if any, has been established by the evidence with respect to the claimed invention of the 331 Patent—check any that apply:

- ☒ Commercial success of products covered by the patent claims.
- ☒ A long-felt need for the solution that is provided by the patented invention.
- ☒ Acceptance by others of the patented invention as shown by praise or from the licensing of the patented invention.

After considering your answers to the preliminary factual questions above, answer “Yes” (for a finding of obviousness) or “No” (for a finding of no obviousness) as to each asserted claim.

Claim 1:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Claim 4:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Claim 10:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If you answered “Yes” with respect to any claim being obvious, then answer “Yes” or “No” for each of the following:

	Yes	No
Obvious in view of U.S. Patent No. 5,687,939 in combination with other prior art or in combination with the knowledge of a person of ordinary skill in the art		✓

**QUESTION NO. 10:**

Do you find that Defendant, Planar Systems, Inc., has proven by clear and convincing evidence that any asserted claim of the 978 patent is invalid because the specification of the 978 patent does not contain an adequate written description of the invention claimed? Answer “Yes” (for a finding of lack of adequate written description) or “No” (for a finding of an adequate written description) as to each asserted claim.

Claim 16:      \_\_\_\_\_ Yes                      ✓ No  
 Claim 18:      \_\_\_\_\_ Yes                      ✓ No  
 Claim 25:      \_\_\_\_\_ Yes                      ✓ No  
 Claim 27:      \_\_\_\_\_ Yes                      ✓ No

**QUESTION NO. 11:**

Do you find that Defendant, Planar Systems, Inc., has proven by clear and convincing evidence that any asserted claim of the 331 patent is invalid because the specification of the 331 patent does not contain an adequate written description of the invention claimed? Answer “Yes” (for a finding of lack of adequate written description) or “No” (for a finding of an adequate written description) as to each asserted claim.

Claim 1:      \_\_\_\_\_ Yes                      ✓ No  
 Claim 4:      \_\_\_\_\_ Yes                      ✓ No  
 Claim 10:      \_\_\_\_\_ Yes                      ✓ No

**QUESTION NO. 12:**

Do you find that Defendant, Planar Systems, Inc., has proven by clear and convincing evidence that any of the asserted reissue claims of the 978 patent is invalid because those claims were not clearly and unequivocally disclosed in the specification of the original patent? Answer “Yes” (for a finding of lack of adequate disclosure) or “No” (for a finding of adequate disclosure) as to each asserted claim.

Claim 16:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Claim 18:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Claim 25:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Claim 27:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

*If and only if you have found that Defendant, Planar Systems, Inc., has infringed any of the asserted claims of the 978 or 331 patents, whether by direct or indirect infringement, and also found that one or more of the infringed claims remains valid, then proceed to Question Nos. 13 and 14. If you have not found any infringement or if all of the infringed claims are invalid, then skip both Question Nos. 13 and 14, and the Presiding Juror should then sign and date this Verdict.*

**FINDINGS ON DAMAGES****QUESTION NO. 13:**

What amount of money, if any, has Plaintiff, Mass Engineered Design, Inc., proven by a preponderance of the evidence is fair and reasonable to compensate Mass Engineered Design, Inc. for past infringement by Defendant, Planar Systems, Inc. of the 978 or 331 patents? In answering, you are to consider what amount, if any, Mass has proven by a preponderance of the evidence is a fair and reasonable royalty to which it is entitled for the 978 and/or 331 patents.



Answer only one of the lines below, whichever is most applicable.

- a. Both 978 and 331 patents \$ 1,150,000
- b. 978 patent only: \$ \_\_\_\_\_
- c. 331 patent only: \$ \_\_\_\_\_

**QUESTION NO. 14:**

Do you find that Plaintiff, Mass Engineered Design, Inc., has proven by a preponderance of the evidence, that Defendant, Planar Systems, Inc.'s, infringement was willful? Answer "Yes" (for a finding of willful infringement), "No" (for a finding of no willful infringement), or "N/A" if, for that particular patent, you did not find that any claim was infringed by Planar.

978 patent: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

331 patent: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

*Your deliberations are now complete. Please have the presiding juror date and sign this Verdict.*

Dated this 8 day of May, 2018